

Court of Appeals, State of Michigan

ORDER

People of MI v Roosevelt Patterson Pettiford

Docket No. 273369

LC No. 06-000343-01

Karen M. Fort Hood
Presiding Judge

Helene N. White

Christopher M. Murray
Judges

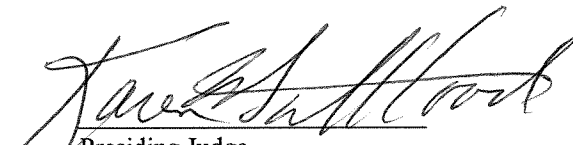
The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) and motion to file a late answer to the motion to remand are GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing and a renewed decision whether defendant-appellant was denied the effective assistance of counsel or should otherwise be granted a new trial. In the Court's opinion, effective review of the issues raised in the motion to remand requires further development of the factual record. The proceedings are limited to the issues raised in the motion to remand. The trial court shall also settle the record with respect to the tape recordings that were played to the jury, see that the recordings are included with the record to be transmitted to this Court, see MCR 7.210(C), and afford defendant-appellant the opportunity to obtain copies of the recordings.

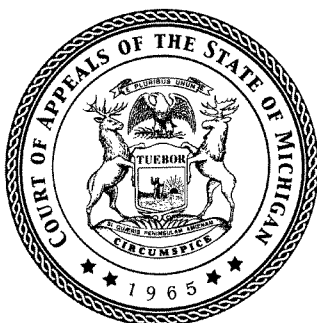
The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings. The trial court shall hear and decide the matter within 56 days after the Clerk's certification of this order. Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand and secure the filing of transcripts of any hearings held on remand within 21 days after completion of the proceedings.

Defendant-appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.

Murray, J., would limit the scope of remand to that portion of the order which directs the trial court to settle the record as to which tapes were played to the jury and to ensure that those tapes are made a part of the record for further appellate review.


Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 22 2008

Date


Chief Clerk